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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: #13
ISN #: [REDACTED]

1. Introduction

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

2. Synopsis of Proceedings

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is associated with al Qaida. The Detainee is a suspected terrorist with ties to the Algerian Armed Islamic Group (GIA) and is suspected of having links to al Qaida. The Detainee is a former employee of the Red Crescent Society and attended meetings in Sarajevo for Algerians working for non-government organizations in Bosnia. The Detainee is an associate of a known al Qaida operative in Bosnia. The Detainee is also known as Sharfuldin or Sharuldin. The Detainee chose to participate in the Tribunal process. He called four witnesses, one of whom was found to be not reasonably available. The Detainee did not request any documents be produced, and made a sworn verbal statement. The Tribunal President found 3 of the requested witnesses reasonably available. With regard to the witness found not reasonably available, the Tribunal President also found that alternative means of producing the witness's testimony were also not reasonably available, in that the requested witness could not be located by the U.S. Department of State in time for the Tribunal. The Detainee, in his verbal statement, denied being a terrorist, associated with al Qaida and a member of GIA. The witnesses called by the Detainee testified that the Detainee was not a terrorist, but rather was an upright man who worked with orphans in Bosnia through the Red Crescent organization. The Tribunal President's evidentiary and witness rulings are explained below.

3. Evidence Considered by the Tribunal

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a and R-1 through R-33.

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b. Testimony of the following persons:

1. [REDACTED] (ISN [REDACTED])
2. [REDACTED] (ISN [REDACTED])
3. [REDACTED] (ISN [REDACTED])

c. Sworn statement of the Detainee.

4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested the following witnesses be produced for the hearing:

<u>Witness</u>	<u>President's Decision</u>	<u>Testified?</u>
[REDACTED]	reasonably available	yes
[REDACTED]	reasonably available	yes
[REDACTED]	reasonably available	yes
Mohmoud Sayed Yousef	not reasonably available	no

Mohmoud Sayed Yousef was proffered by the Detainee as the Detainee's supervisor in the Red Crescent in Bosnia who would testify, if called, to the Detainee's work with the Red Crescent, the Detainee's good character and that he had no knowledge of any association by the Detainee with any terrorist organizations. While determined to be relevant, the Tribunal President found that the witness was not reasonably available in that after a period of reasonable diligence the Department of State could not locate the witness in Bosnia or in any other location based on the limited information and identifiers provided by the Detainee to locate the witness.

The Detainee requested no additional evidence be produced.

5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

- a. The recorder offered Exhibits R-1, R-2 and R-3 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 contains an affidavit of the Detainee's wife, [REDACTED] submitted in the habeas corpus proceedings pending in the United States District Court for the District of Columbia seeking the release of the Detainee and [REDACTED] (ISN [REDACTED]). [REDACTED] averred that the Detainee was an employee of the Red Crescent in Bosnia, was wrongly accused but

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released by Bosnian authorities and then abducted by American agents, and is not a terrorist. Exhibit R-3 purports to be a Petition for a Writ of Habeas Corpus seeking the release of the Detainee and [REDACTED]. The copy presented to the Tribunal does not bear a docket number and is unsigned, but is dated 08 July 2004. Exhibit R-3 appears to be based on the affidavit of the Detainee's wife and other sources and sets forth legal arguments supporting the issuance of the writ. The Tribunal noted the allegations contained in the Petition but did not find them persuasive to the question of the Detainee's status as an enemy combatant. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence and to provide further light on the allegations contained in the writ pleadings.

b. The Tribunal also considered the Detainee's sworn testimony and the sworn testimony provided by the three detainee witnesses. A summarized transcript of the Detainee's sworn testimony and the sworn testimony of the witnesses is attached as CSRT Decision Report Enclosure (3). In sum, the Detainee and the witnesses testified as follows:

(1) The Detainee: The Detainee appreciated the opportunity to address the allegations and the freedom to speak to the Tribunal and defend himself. The Detainee stated the reason he is being held in Cuba is because of charges brought against him in Bosnia related to an intent to plan an attack on the US Embassy. He was in prison in Bosnia for 3 months; that he was the victim of a political game without any intention to carry out an attack on the US Embassy; that if there were any truth to these allegations he would not have been taken by the Bosnians but would have been taken directly by the Americans and that this is proof of a political game. After 3 months in prison, Bosnia TV aired the fact that he was found innocent in the Bosnian court and to live free without conditions. The Detainee claimed that the acquittal was in his pocket when he was arrested; that he was surprised to be taken by the Americans; that his hands and feet were bound and he received the worst treatment of his life being without food, water and sleep for 36 hours. Since he's been in Cuba for 3 years, no one has ever asked him about the US Embassy. The Detainee maintains that he has cooperated with interrogators and has discussed the charity organizations but now finds himself faced with the strange accusation that he is al Qaida. He states that he only knows about al Qaida through the media and that it is an organization that kills innocent people. The Detainee believes that Islam is innocent of such acts and that he has lived his life as a good person as he was brought up by his father and that his heart doesn't allow for hatred; that his business was taking care of orphans. He stated that since over 70% of al Qaida has been caught, why can't any of them identify him. He believes that GIA is a terrorist group and if he were a member of that group, the Algerian government would know it and that the Algerian government told the Bosnia government that Algeria did not have him as a terrorist in Algeria. The Detainee stated that he worked for the Red Crescent; that it is not an NGO; that he worked outside of Sarajevo; that he met many people who worked in Red Crescent who can say what he did; that Sharfuldin is his other name and it is normal to have other names. Finally, the Detainee asserted his innocence in terrorism and that he has been wrongly accused.

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The Tribunal President inquired about the alleged mistreatment of the Detainee after he came into US custody. The Detainee stated that it was harsh but that he wanted to just let it go; that his treatment and the conditions have become better in the last year and that he was ill when he first arrived in Cuba and received some treatment but that his condition was untreated for some time after he arrived. The Tribunal President noted these statements for the record and caused a report of these allegations to be made through the chain of command.

(2) [REDACTED]: This witness stated that he would speak for the Detainee if the Detainee wanted him to, but that his lawyer said he should not speak to a tribunal. The Detainee asked the witness to testify for him and the witness agreed. The witness testified that he knows the Detainee like he knows his own pocket; that he knows his wife and children and that if the Detainee has anything to do with terrorists then the witness is a terrorist himself; and that if the Detainee were sentenced for terrorism then the witness would stay with him. The witness stated that he never knew the Detainee to be a member of GIA or involved in terrorism in any way; that he has known the Detainee since 1995 or 1996 and that he knows him as well as he knows his own wife and kids.

(3) [REDACTED]: This witness testified that the allegations that the Detainee is associated with al Qaida, the GIA and terrorists are all lies; that he has known the Detainee since they were in Albania and has never known him to be a terrorist; that he and the Detainee worked together in the Red Crescent in Bosnia; that he has known him since 1994.

(4) [REDACTED]: This witness testified that he would tell the truth about the Detainee and stated that all the accusations were false; that the Detainee is not a terrorist and is not part of GIA; that all he has ever know about the Detainee were good things since he met the Detainee in 1997; that the Detainee is concerned about his family and work and never broke the law; that if the Detainee is a terrorist then the witness is a terrorist too.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

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- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The Detainee understood the Tribunal proceedings. He actively participated in the proceedings, provided his own testimony and examined the witnesses called by him.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and was part of or supporting al Qaida.


8. Dissenting Tribunal Member's report

None. The Tribunal reached a unanimous decision.

Respectfully submitted,


Colonel, U.S. Army
Tribunal President

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